

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WILLIAM E. WINDHAM and)	
GWENDOLYN J. WINDHAM,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:05CV472-VPM
)	[WO]
B. W. CAPPS & SONS INC.)	
)	
Defendants.)	

ORDER ON MOTION

The parties have jointly moved to amend the scheduling order in this case (Doc # 19). As grounds for the motion, they represent that (1) “Mr. Pope and Mr. Rayfield can no longer act as lead counsel,” and (2) “James A. Balli has agreed to undertake the presentation of the Plaintiffs as lead counsel”¹

Upon reviewing the file in this case, the court notes that

- Discovery should have begun seven months ago during the first week of August 2005;
- Since the plaintiffs filed their Notice of Costs and Expenses on 22 August 2005 (Doc. # 15), the parties filed no further pleadings until 7 March 2006; and
- The deadline for filing dispositive motions expired on 27 January 2006, and

¹An order on the motion was entered yesterday in error and shall be vacated.

the discovery deadline is 24 April 2006.

The parties have made no representations which explain the reason - in view of the aforementioned schedule - for their request for an extension. They have provided the court no basis for finding or concluding that the time allocated for pretrial preparation in this case was inadequate or materially compromised. Nor have they advised the court of the status of their pretrial preparation (e.g., the status of discovery), or the reason that the merger of firms and continued representation of the plaintiffs are mutually exclusive.

They state merely that a change in formal representation has occurred; however, based upon their representations, the court cannot possibly determine how that change warrants an extension of the time limits, a significant one of which has already passed. Accordingly, it is

ORDERED that the Court's Order entered 9 March 2006 (Doc. # 21) is
VACATED. It is further

ORDERED that the motion for extension of time is DENIED.

DONE this 10th day of March, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE